



## REQUEST FOR RESPONSES (RFR) FOR INVESTIGATIVE SERVICES

March 1, 2018

Key Procurement Dates\*

RFR ISSUED	03/1/18
WRITTEN INQUIRIES FROM BIDDERS CONCERNING RFR	DUE 03/8/18
WRITTEN RESPONSES FROM COMMISSION POSTED ON COMMBUYS	DUE 3/13/18
BIDDERS' RESPONSES IN TERMS OF PROPOSALS	DUE 03/16/18
BIDDERS' RESPONSES IN TERMS OF REQUIRED FORMS	DUE 03/19/18
EVALUATION COMMITTEE INTERVIEWS FINALISTS, IF NECESSARY	03/22-03/23/2018
ANTICIPATED ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER	04/01/18

\* All deadlines are 5:00PM on the date listed unless otherwise specified

### Correspondence and Submission Information

Shawn Collins, Executive Director  
Massachusetts Cannabis Control Commission  
101 Federal Street, 13<sup>th</sup> Floor  
Boston, MA 02110

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## 1. INTRODUCTION & PROCUREMENT REQUIREMENTS

This Request for Response (RFR) is issued by the Commonwealth of Massachusetts Cannabis Control Commission (Commission or CNB). The purpose of this RFR is to solicit bid proposals for investigative to review applications to obtain (1) Marijuana Establishment licenses and (2) and Marijuana Establishment agent registrations cards as required by M.G.L. c. 94G and 935 CMR 500.000 (the regulations), which implements St. 2016, c. 334, The Regulation and Taxation of Marijuana Act, as amended by St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana, (collectively, the marijuana laws). The successful bidder will demonstrate familiarity with the legal requirements and deadlines for registration and licensure.

The intent of this RFR is to award a contract to that responsible bidder whose bid proposal conforms to this RFR and is most advantageous to the Commission. Quality, price, timeliness, and other factors will be considered. The Commission may consult with other agencies in the Commonwealth and the nation in conducting its review of RFRs. To that end, the Commission encourages bidders to identify other agencies that have used its investigative services.

The Commission reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the Commission or its designee(s) to be in its best interest.

The Commonwealth's Standard Contract and Standard Terms and Conditions apply to all contracts or purchase agreements made with the Commission. These standard forms are in addition to the terms and conditions set forth in this RFR, and in any Statement of Work that may be negotiated by the Commission and successful bidder, and should be read in conjunction with them unless the RFR specifically indicates otherwise. The standards forms are necessary and required components of any agreement entered into for the acquisition of goods and the performance of services. They are non-negotiable. In submitting this RFR, you are responsible for submitting an executed Standard Contract and Standard Terms and Conditions, the links to which are provided below.

The Commission anticipates that any materials submitted in response to this RFR may be subject to a public records request. The Massachusetts Public Records Law (PRL), found at M.G.L. c. 66, § 10, applies to records made or received by a Massachusetts agency. Unless the requested records fall under an exemption to the PRL, the responsive documents must be made available to a requester. For this reason, the Commission asks bidders to submit a second copy of all of its materials that redacts records or portion of records that fall under the exemptions to the PRL. A link to a guide to the PRL is provided below.

#### a. BACKGROUND

The Commission is responsible for safely, equitably and effectively implementing and administering the laws enabling access to adult-use marijuana in the Commonwealth. It will also assume responsibility for the medical use of marijuana no later than December 31, 2018.

The scope of this RFR is to engage a consultant for implementation of an investigative program to conduct suitability determinations of potential Marijuana Establishment applicants and registrants (agents and licensees), and to work with the Commission to enable it to continually monitor them for compliance with the applicable laws and regulations.

The marijuana laws establish several deadlines by which the Commission shall act:

- **March 15, 2018:** Deadline to promulgate regulations, guidance and protocols necessary for the issuance of licenses.
- **April 1, 2018:** Earliest date on which the Commission may accept applications for licensure as a Marijuana Establishment.
- **May 1, 2018:** Deadline to promulgate special regulations relative to Dukes and Nantucket Counties.
- **June 1, 2018:** Earliest date on which the Commission may issue a license to operate a Marijuana Establishment.
- **December 31, 2018:** Latest date on which transfer of the medical marijuana program from the Department of Public Health to the Commission may occur.

This RFR is intended to identify, in a timely manner, a partner to perform investigative services in furtherance of the Commission's responsibilities and in compliance with the established legal requirements and timelines.

#### b. OBJECTIVE

It is the objective of the Commission to identify and then engage a consultant for implementation of an investigative program to conduct suitability inquiries of potential Marijuana Establishment agents, licensees, executives and employees. The purpose of the inquiries is to draw to the attention of the Commission any matter which may adversely reflect upon the suitability of the applicant or registrant to obtain, hold or renew a license or registration.

#### c. VENDOR QUALIFICATIONS

The preferred vendors will have the capacity to commit personnel and resources necessary to provide high quality services in a timely and responsible manner.

The preferred vendors will have the following qualifications and experience:

- Familiarity with the Commission's marijuana laws, and any other applicable laws pertaining to the licensure of Marijuana Establishments and the registration of Marijuana

Establishment Agents; Well-developed qualifications, experience, contacts and resources in conducting and coordinating thorough and efficient marijuana background investigations with a minimum of initial orientation;

- Adequate qualified personnel that possess a demonstrated ability to provide, produce and present comprehensive reports on complex inquiries to the Commission on each applicant and be able to provide to the Commission testimonial and expert witness support of findings and conclusions derived from investigative activities; and
- Ability to provide orientation and training to Commission staff and to provide support for other investigative service contractors, as necessary, to fulfill statutory and regulatory investigative and reporting requirements.

A detailed statement of bidder qualifications is to be submitted as part of the bidder's response per Section 3.3 and Attachment A of this RFR.

#### d. GENERAL PROCUREMENT REQUIREMENTS

The issuance of this RFR is consistent with the principles that govern the procurement of services by state agencies, including that the Commission seeks to acquire investigative services through a competitive procurement process.

The Commission reserves the right to cancel or modify the procurement scope or process at any time and without notice. It makes no guarantee that a contract, or an obligation to purchase commodities or services, will result from this RFR.

All responses must be submitted in accordance with the specific terms of this RFR. The Commission reserves the right to amend this RFR at any time prior to the date the responses are due. Any such amendment will be posted to the Commonwealth's procurement web site, CommBUYS (see Section 5 for information on CommBUYS). Bidders are cautioned to check this site regularly, as well as the Commission's website, as these will be the methods used for notification of changes (see Section 5). All responses must be submitted in accordance with specifications in Section 3.

#### e. PROCUREMENT CHARACTERISTICS

1. Acquisition method: Time and materials
2. Single or multiple vendor(s): Single
3. Use of Procurement by single or multiple agencies: Single
4. Anticipated Duration of Contract: The initial duration of the contract that results from this RFR shall be two (2) years from the date on which it is awarded. The contract may be extended in any increment at the discretion of the Commission up to a maximum term, including all contract extensions, of two (2) one year extensions for a maximum contract duration from initial term to maximum extensions of four (4) years. The Commission

reserves the right to include language in a Statement of Work that allows for an option to renew the contract.

- 5. Anticipated Payment Structure: The contractor will be paid for services rendered, after submission and approval of invoices.

**f. PROCUREMENT TIMETABLE**

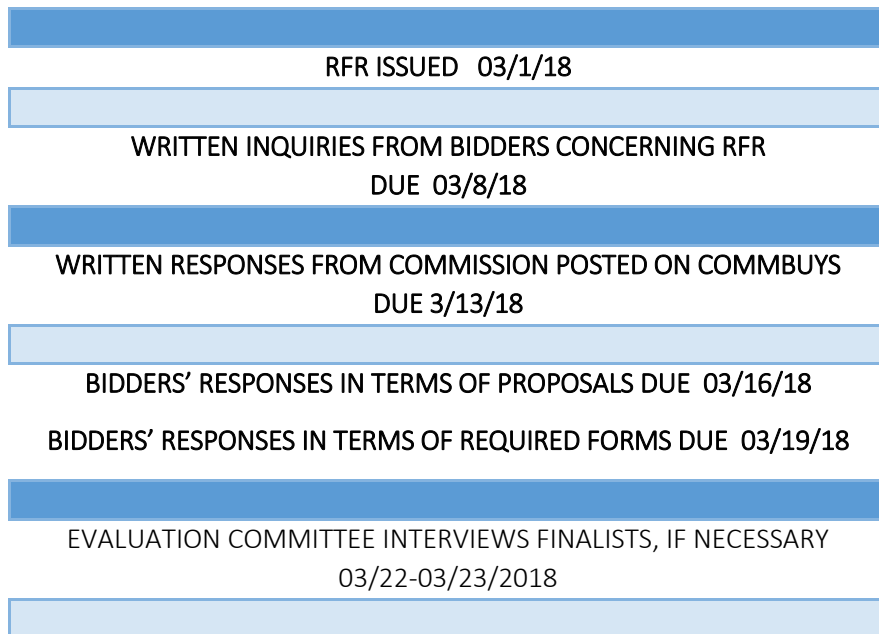
Unless otherwise specified, the time of day for the following events shall be between 9:00 a.m. and 5:00 p.m., Eastern Standard Time (EST). All other times specified in this RFR are EST. Responses and attachments received after this deadline date and time will not be evaluated. A facsimile response will not qualify as a “submission” for deadline purposes in advance of or in lieu of a hard copy submission. **RESPONSES ARE DUE NO LATER THAN 5:00 PM ON []**.

**LATE RESPONSES WILL NOT BE CONSIDERED.**

The Cost Proposal may be submitted in the same package as the rest of the response, but must be submitted under separate cover in a separate sealed envelope with “Cost Proposal” clearly labeled. Failure to meet this requirement will result in disqualification of the bid.

The Commission **may adjust the requirements and schedule as it deems necessary**. Notification of any adjustment to the RFR Timetable will be posted on CommBUYS, and, when possible, the Commission’s website.

Key Procurement Dates\*





ANTICIPATED ANNOUNCEMENT OF APPARENT SUCCESSFUL BIDDER

04/01/18

\* All deadlines are 5:00PM on the date listed unless otherwise specified

## 2. SCOPE OF SERVICES

### a. GENERAL

The purpose of this contract is to engage professional consulting firms in order to implement an investigative program to conduct suitability inquiries of potential Marijuana Establishment applicants, existing registrants (licensees and agents), including executives and employees.

Contractors must have a reputation for integrity, professionalism, intellectual rigor, and independence in this investigative role. Positive references must be available from private and public sector clients for the specific investigative services solicited.

All bidders must be willing to abide by any statutory and regulatory requirements established by the Commission whether currently in place, yet to be approved, temporary or permanent.

Services being procured on a Time and Materials basis include, but are not limited to the following:

1. Work with the Commission and other Massachusetts agencies to review and investigate applicants for Marijuana Establishment licenses (“License Applicants”) and Agent registrations (“Registration Applicants”), and applications, including related forms submitted by applicants;
2. Download, organize, evaluate, and secure applications and forms, and verify information provided by the License and Registration Applicants;
3. Conduct world-wide internet, media and other relevant searches;
4. Conduct inquiries with law enforcement and regulatory authorities in jurisdictions where applicants may have been licensed or registered or may have resided, which will also include any jurisdiction where applicants may have been involved in criminal or administrative matters;
5. Gather information on applicants’ regulatory compliance history, which includes details of all regulatory infringements (i.e. nature of complaints, orders, and all other disciplinary action); and of reputation with respect to character, integrity, and honesty. Work with the Commission and other state agencies to carry out police and

- security vetting which may require License Applicants or Registration Applicants to provide records of past criminal convictions, photographs or fingerprints;
6. Undertake appropriate checks to verify legal existence of applicants, and to identify company’s executives, managers, persons having control over security operations, persons having control over cultivation operations, and “controlling persons” as that phrase is defined by marijuana laws;
  7. Gather information on professional and personal financial history of applicants, which will likely include conducting credit reference and other financial checks, reviewing financial stability and viability, and reviewing financial statements, bank statements and tax returns;
  8. Check for current or prior business affiliations of License and Registration Applicants;
  9. Examine public records to identify current, past or imminent complaints or lawsuits, liens, judgments, bankruptcies, and other relevant records which may affect the suitability of applicants;
  10. Review the results of the investigations with the Commission;
  11. Provide Commission staff with guidance on investigative industry standards, including best practices and emerging trends;
  12. Providing detailed and supported probity reports of applicants in all jurisdictions in which the applicant operates or has operated which identifies:
    - a. The identity and existence of the applicant;
    - b. The reputation and integrity of the applicant, with a particular focus on identifying any actual or alleged criminal behavior;
    - c. The reputation and integrity of applicant’s close associates;
    - d. The applicant’s claimed experience in operating a Marijuana Establishment, including but not limited to their regulatory compliance track record over the years that they have been operating Marijuana Establishments; and
    - e. Whether there are any contingencies which may affect the suitability of the applicant.

### 3. RESPONSE REQUIREMENTS

#### a. GENERAL SUBMISSION INSTRUCTIONS

Complete responses must be submitted by the date listed in the Procurement Timetable, **Section 1.4.2**, no later than **5:00 p.m.**, Eastern Standard Time. Responses must be as directed below to:

Shawn Collins  
Executive Director  
Massachusetts Cannabis Control Commission  
101 Federal Street, 13<sup>th</sup> Floor  
Boston, MA 02110  
617-701-8400

The bidder may submit their response electronically or via physical delivery using the following instructions:

**For each RFR, at least one physical copy must be submitted. To submit via physical delivery:**

- **Submission must be logged into the reception desk at the Commission located at 101 Federal Street, 13<sup>th</sup> Floor, Boston, Massachusetts, 02110, on or before the date and time listed in this document;**
- Provide one (1) original document with original signatures.
- Ensure that you receive a written confirmation of timely receipt
- Provide a single PDF electronic copy of the business submission in electronic form (USB flash drive)
- Provide a single PDF electronic copy of the cost submission in electronic form (USB flash drive)
- Bidders may call the Commission 617-701-8400 to determine if the Commission is in receipt of their submission. However, **only a physical receiving receipt will be considered authoritative if there is a dispute.**
- **Business responses must be separately packaged from the cost response and the cost response must be in a separately sealed envelope.**

**To submit via email (electronically) delivery:**

- **Submission must be received at the following email address [CannabisCommission@mass.gov](mailto:CannabisCommission@mass.gov) on or before the date and time listed in this document** (submissions even slightly late will not be accepted even if the delay is not caused by the organization submitting the proposal).
- Sending party is solely responsible for ensuring receipt at the Commission by the proper time and date. The Commission will provide a return email confirming receipt of the email. It is therefore highly recommended (but not mandatory) that bidders submitting electronically transmit their response at least three (3) hours prior to the closing deadline in order to have sufficient time to re-submit should there be a failure in receipt.
- Provide a single PDF electronic copy of the business submission in electronic form.
- Provide a single PDF electronic copy of the cost submission in electronic form.
- Bidders may call the Commission at 617-701-8400 to determine if the Commission is in receipt of their submission. However, **only an email receipt confirmation will be considered authoritative if there is a dispute.**

- Provide one (1) original document with original signatures which must be physically delivered to the Commission within three days of the official due date.
- **Business responses must be separately packaged from the cost response and the cost response must be in a separately sealed envelope.**

#### b. COMPLETE RESPONSE

A complete response in the following format:

- Proposal must not be in excess of 50 pages (excluding required forms, tables listing client references and résumés, which may be attached as exhibits).
- Each copy should be labeled with the name of the response document it contains.
- The sections of the response documents should be identified by either a separator page (if submitted electronically) or numbered/labeled tab (if submitted in hardcopy) to match the order and names of the sections listed in the checklist below.
- Complete Response Checklist (please structure your response in the same order listed)
  - Cover Letter (instructions provided in Section 3.3)
  - Required Forms (instructions provided in Section 3.4, and all forms are found in the “Forms and Terms” tab on CommBUYS)
    - An executed Standard Contract Form
    - An executed Standard Terms and Conditions
    - Massachusetts Substitute W-9 form – Request for Taxpayer Identification Number and Certification
    - Contractor Authorized Signatory Listing
    - Executive Order 504 Contractor Certification
    - Consultant Contractor Mandatory Submission Form, **which may be found at** <http://www.mass.gov/ig/publications/forms/consultant-contractor-mandatory-submission-form.pdf>.
    - Supplier Diversity Program (SDP) Plan
    - Authorization for Electronic Funds Payment (EFT)
    - Prompt Payment Discount Form (PPD)
    - Business Reference Form
  - Inventory of Bidder Qualifications (instructions and form provided in Attachment A)
  - Programmatic Response (instructions provided in Section 3.5)
  - Cost Response (instructions provided in Section 3.6) **MUST BE IN A SEPARATE SEALED ENVELOPE AND EMAIL**

- ❑ A copy of the above-referenced materials appropriately redacted in accordance with the public records laws.

#### c. COVER LETTER

A **cover letter** that clearly states the name of the bidder organization, principal address, local (greater Boston) address (if applicable, and if different from principal address), and the name, address, e-mail, fax and telephone number of the bidder's contact person. The letter must:

- Clearly identify the name, title, address, phone number, and email address of the primary contact for your firm relating to this procurement;
- be signed by an individual authorized to bind the contractor;
- clearly commit the key personnel named in the response to being available to Commission for a minimum of six (6) months from the response due date and describe the manner in which subsequent staff assignments will be made to ensure continuity for the term of the contract;
- clearly identify any significant subcontractors, their roles, and responsibilities; and
- include a statement that the bidder's proposal will remain in effect for at least 90 days or until a contract resulting from this RFR is executed, whichever is earlier.

Unnecessary samples, attachments or other documents not specifically asked for should not be submitted.

#### d. REQUIRED FORMS

Bidders **must submit** as part of their Business Response the following Commonwealth-required forms. All of the referenced forms are available on the forms and terms tab for this solicitation on CommBUYS ([www.commbuys.com](http://www.commbuys.com)).

- An executed Standard Contract Form and Instructions
- An executed Commonwealth Terms and Conditions
- Massachusetts Substitute W-9 form – Request for Taxpayer Identification Number and Certification
- Certificate of Tax Compliance
- Contractor Authorized Signatory Listing
- Executive Order 504 Contractor Certification
- Mandatory Submission Form Consultant Contractor
- Supplier Diversity Program (SDP) Plan
- Authorization for Electronic Funds Payment (EFT)
- Prompt Payment Discount Form (PPD)
- Business Reference Form

#### e. REQUESTED FORMS

The Commission anticipates that materials submitted in response to this RFR may be subject to a public records request. The Massachusetts Public Records Law (PRL), found at M.G.L. c. 66, § 10, applies to records made or received by a Massachusetts agency. Unless the requested records fall under an exemption to the PRL, the responsive documents must be made available to a requester. A list of exemptions may be found at M.G.L. c. 4, §§ (26). For additional information about the PRL, requestors can refer to the Secretary of the Commonwealth’s Public Records Division publication, A Guide to the Massachusetts Public Records Law (PDF), which may be found at <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

For this reason, the Commission **strongly requests** that bidders submit a second copy of all of its materials that redacts records or portion of records that fall under the exemptions to the PRL. In the event that a bidder does not submit these materials, and the Commission identifies it as the successful bidder, it will be required to do so at no additional cost and with no unnecessary delay. The Commission reserves the right to post appropriately redacted materials on its website in the event of such a request.

#### f. PROGRAMMATIC RESPONSE

In this section, the bidder shall describe its approach and plans for accomplishing the work outlined in the Scope of Work section, i.e., Section 3.0. The bidder must set forth its understanding of the requirements of this RFR and its ability to successfully complete the contract. This section of the bid proposal should minimally contain the information identified in the following sub-sections e.g. 3.3.x.

##### i. VENDOR HISTORY

The bidder shall provide a brief description of the firm, including its organizational structure, its scope of business, its internal organization and number of personnel. Each bidder shall sufficiently document the required vendor qualifications set forth in **Attachment A**.

Each bidder shall also describe any previous assignments undertaken for any entities which might pose a potential conflict of interest.

**Response to this Section should be no more than 1 page (Attachment A response is not included in this page count) and should be labeled “Response to Section 3.5.1 – Vendor History”**

##### ii. REFERENCES & KEY RELATIONSHIPS

The bidder shall provide references from at least **three (3) organizations** for which the bidder has provided services similar to the work contemplated by this RFR. Bidders are required to use the Business Reference Form posted along with this procurement on CommBUYS.

The bidder shall also provide a listing of the major contacts and information sources (both domestic and international) that will enable the bidder to perform the services contemplated by this RFR in a time-efficient and authoritative manner. The limit on each such contact is **one (1) page**.

These contacts must include the following information:

- The client organization's name and address; and
- What this contact or information source will be used for.

### iii. EXPERIENCE WITH CONTRACTS OF SIMILAR SIZE AND SCOPE

The bidder shall provide a comprehensive listing of contracts of similar size and scope that it has successfully completed, as evidence of the bidder's ability to successfully complete the services required by this RFR. Emphasis should be placed on contracts that are similar in size and scope to the work required by this RFR. A description of all such contracts should be included and should show how such contracts relate to the ability of the firm to complete the services required by this RFR. For each such contract, the bidder should provide two names and telephone numbers of individuals for the other contract party. Beginning and ending dates should also be given for each contract. The bidder should provide documented experience to demonstrate that each subcontractor has successfully performed work on contracts of a similar size and scope to the work that the subcontractor is designated to perform in the bidder's proposal. The bidder must provide a detailed description of services to be provided by each subcontractor.

In response to this section, bidders are to list the last similar services (5 desired) that have been performed by the bidder within the past 5 years. ALL such services performed are to be listed, even if non-referenceable (e.g. client was not willing to be a reference).

### iv. FINANCIAL CAPABILITY OF THE BIDDER

In order to provide the Commission with the ability to judge the bidder's financial capacity and capabilities to undertake and successfully complete the contract, the bidder should submit certified financial statements. If certified financial statements are not available, the bidder should provide either a reviewed or compiled statement from an independent accountant setting forth the same information required for the certified financial statements, together with a certification from the Chief Executive Officer and the Chief Financial Officer, that the financial statements and other information included in the statements fairly present in all material respects the financial condition, results of operations and cash flows of the bidder as of, and for, the periods presented in the statements. In addition, the bidder should submit a bank reference.

If the information is not supplied with the bid proposal, the State may still require the bidder to submit it. If the bidder fails to comply with the request within seven (7) business days, the Commission may deem the proposal non-responsive.

A bidder may designate specific financial information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. Bidder may submit specific financial documents in a separate, sealed package clearly marked “Confidential-Financial Information” along with the Bid Proposal.

The Commission reserves the right to make the determination to accept the assertion and shall so advise the bidder.

#### v. INVESTIGATIVE STRATEGY OVERVIEW

The bidder shall set forth its overall technical approach and plans to meet the requirements of the RFR in a narrative format. This narrative should convince the Commission that the bidder understands the objectives that the contract is intended to meet, the nature of the required work and the level of effort necessary to successfully complete the contract. This narrative should convince the Commission that the bidder’s general approach and plans to undertake and complete the contract are appropriate to the tasks and subtasks involved. Mere reiterations of RFR tasks and subtasks are strongly discouraged, as they do not provide insight into the bidder's ability to complete the contract. The bidder’s response to this section should be designed to convince the Commission that the bidder’s detailed plans and approach proposed to complete the Scope of Work are realistic, attainable and appropriate and that the bidder’s bid proposal will lead to successful contract completion.

Bidders will differentiate themselves by providing evidence to the Commission that the bidder understands the cannabis industry, issues relevant to the industry and has an approach, contacts and experience providing complex investigative services in the industry or a related industry.

#### vi. CONTRACT MANAGEMENT

The bidder should describe its specific plans to manage, control and supervise the contract to ensure satisfactory contract completion according to the required schedule. The plan should include the bidder's approach to communicate with the Commission’s Contract Manager including, but not limited to, status meetings, status reports, etc.

#### vii. POTENTIAL PROBLEMS

The bidder should set forth a summary of any and all problems that the bidder anticipates during the term of the contract. For each problem identified, the bidder should provide its proposed solution.



### viii. ORGANIZATIONAL SUPPORT AND EXPERIENCE

The bidder should include information relating to its organization, personnel, and experience, including, but not limited to, references, together with contact names and telephone numbers, evidencing the bidder's qualifications, and capabilities to perform the services required by this RFR. This section of the bid proposal must minimally contain the information identified below.

Provide an organizational overview of the management of its suitability process, including how its staff would interface with Massachusetts authorities both in the short term and long term including any transitional phases and needs.

### ix. LOCATION

The bidder should include the address of the bidder's office that will be responsible for managing the contract. The bidder should include the telephone number and name of the individual to contact.

### x. STAFF & ORGANIZATION

1. **Contract-Specific Chart.** The bidder should include a contract organization chart, with names showing management, supervisory and other key personnel (including subcontractor management, supervisory or other key personnel) to be assigned to the contract. The chart should include the labor category and title of each such individual.
2. **Chart for Entire Firm.** The bidder should include an organization chart showing the bidder's entire organizational structure. This chart should show the relationship of the individuals assigned to the contract to the bidder's overall organizational structure.
3. **Resumes. Key staff must have a demonstrated ability to provide comprehensive reports on complex inquiries and be able to provide testimonial support of findings and conclusions derived from investigative activities.**

Detailed resumes should be submitted for all management, supervisory and key personnel to be assigned to the contract. Resumes should be structured to emphasize relevant qualifications and experience of these individuals in successfully completing contracts of a similar size and scope to those required by this RFP. Resumes should include the following:

- a. At the top of the resume, identify which of the following qualifications the individual possesses. It is highly desired that a majority of individuals possess AT LEAST 3 of the following characteristics:
  - \_\_\_ A minimum of ten (10) years law enforcement experience at the local, state and/or federal level
  - \_\_\_ Professional licensing experience
  - \_\_\_ Investigations background
  - \_\_\_ Experience with state and national criminal history databases

- \_\_\_ Financial investigations and financial forensic analysis
  - \_\_\_ Due diligence investigations
  - \_\_\_ Cannabis or similar industry experience
  - \_\_\_ The individual's previous experience in completing each similar contract.
- b. Beginning and ending dates should be given for each similar contract.
  - c. A description of the contract should be given and should demonstrate how the individual's work on the completed contract relates to the individual's ability to contribute to successfully providing the services required by this RFP.
  - d. With respect to each similar contract, the bidder should include the name and address of each reference together with a person to contact for a reference check and a telephone number.

The bidder should provide detailed resumes for each subcontractor’s management, supervisory and other key personnel that demonstrate knowledge, ability and experience relevant to that part of the work which the subcontractor is designated to perform.

**xi. BACKUP STAFF**

The bidder should include a list of backup staff that may be called upon to assist or replace primary individuals assigned. Backup staff must be clearly identified as backup staff. In the event the bidder must hire management, supervisory and/or key personnel if awarded the contract, the bidder should include, as part of its recruitment plan, a plan to secure backup staff in the event personnel initially recruited need assistance or need to be replaced during the contract term.

**g. COST RESPONSE**

The bidder must include with its response the following table of Time and Material Rates that shall be valid during the entire term of this contract including extensions. The Commonwealth prefers rates that are fully loaded inclusive of travel. All rates specified are to be firm and fixed throughout the term of the contract and any related extensions.

Cost Response Table 1: Blended Rate = \$ \_\_\_\_\_ per hour

- OR -

Cost Response Table 2: Rates by Category

Rate Category

Rate Category

Category Description

Rate (\$)

--

Add rows as required

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#### 4. RESPONSE EVALUATION PROCESS

##### a. EVALUATION PROCESS.

The RFR Evaluation Process will be conducted in three phases. Phase One Review will be conducted for all proposal submissions. The purpose of the Phase One Review is to eliminate any bids that are nonresponsive to the requirements of the RFR. Bids that are deemed to be qualified based on the Phase One Review will be submitted to the Procurement Management Team (PMT) for additional review (Phase Two Review). Only after the completion of Phase Two will the sealed cost proposals be opened and evaluated as a part of Phase Three. Prior to the final recommendation, the PMT reserves the right to request a “Best and Final Offer” from some or all of the Bidders. The PMT will consider any Best and Final Offers made in a reevaluation of Phase Three. The PMT will make a recommendation to the Commissioners who will then accept or reject the recommendation of the PMT. **(Phase One, Phase Two and Phase Three of this RFR will be evaluated separately).**

- (a) Phase One Review: Bidders’ responses will be reviewed based on listed criteria and completeness of response including mandatory attachments and compliance to submission criteria (refer to Section update). Bids that do not comply with these components may be rejected and fail to proceed to Phase

Two Review. The Commission reserves the right to waive or permit cure of non-material errors or omissions. Staff and designated Commissioners at the Commission will conduct this portion of the review.

**(b) Phase Two Review (Total 90 points): Qualified bids, based on the Phase One Review, will be considered for additional review in Phase Two.** Scoring criteria for the evaluation of proposals will be as follows:

- 30 Points – Investigative Strategy (per Section 3.3.5)
- 10 Points—Ability to meet timeline (per Section XX)
- 15 Points – Prior Experience and Relationships (per Sections 3.3.2, 3.3.3, 3.3.4, 3.3.6, 3.3.7)
- 25 Points – Quality of Staff (per Sections 3.3.8-3.3.11)
- 10 Points – Supplier Diversity (per Section 5.19)
- 5 Points – Invest in Massachusetts (per Section XX)

**(c) Phase Three Review (Total 10 Points):** Cost will be evaluated in relationship to the Phase Two Review and scoring of Bidders' responses. The Phase Two score will represent 90 Points and Cost will represent 10 Points of the Phase Three score, in order to determine “best value”. The Commission reserves the right to request a Best and Final Offer (BAFO). The successful bid will be determined based on the one that represents the "best value" overall, meets the needs of the Commission and achieves the procurement goals.

- 10 Points – Cost Proposal: Cost will be evaluated based on the fee for services provided based on a ‘pro-forma’ model developed by the Commission which best reflects the amount and type of skills required to perform a “standard” investigation.

## b. BIDDER INTERACTIONS WITH COMMISSION

### i. BIDDER QUESTIONS

Bidders are encouraged to submit written questions and receive written answers from the Procurement Management Team (PMT) regarding this Solicitation. Because this procurement may extend to firms not intimately versed in Commonwealth procurements, respondents are encouraged to ask whatever questions they need resolved to aid in producing a compliant response. All Bidders’ questions must be submitted via email (no phone calls) to [CannabisCommission@mass.gov](mailto:CannabisCommission@mass.gov).

Please note that any questions submitted to the PMT using any other medium (including those that are sent by physical mail, fax, or voicemail, etc.) will not be answered. The Commonwealth reserves the right to either publically post questions exactly as asked by the submitter or to combine or adjust questions in order to minimize redundancy or potentially conflicting responses.

Bidders are responsible for submitting content suitable for public viewing, since some or all of the questions will be posted on CommBUYS. Bidders must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusory, or otherwise objectionable, including information about the Bidder's company or other companies. The PMT reserves the right to edit or delete any submitted questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Solicitation. Only written response(s) posted on CommBUYS which have been "finalized" will be binding on the Commonwealth.

There are two periods of time where bidders may submit questions as detailed in the procurement timeline in Section 1.4.2;

- a. "Written inquiries from interested bidders concerning RFR" – during this time any Bidder may submit questions on any topics relating to the RFR that will help Bidders response, determine if they wish to participate, or clarify requirements, or any other RFR related topics.
- b. "Written inquiries from bidders and Commission responses regarding response questions and logistics (e.g. how to fill out response correctly)" – during this time only questions relating to how to make sure their submission is properly filled-in, use of proper forms, or other bid submittal questions will be responded to. Therefore, it is essential that questions of scope or RFR meaning and intent are addressed during the initial question period.

#### ii. ORAL PRESENTATIONS/INTERVIEWS.

After completion of Phase I and Phase II but prior to Phase III, the PMT shall have the option to invite all or some Bidders to make oral presentations/come in for interviews. Bidders will not be informed of their rank at the time of the oral presentation/interview. Additionally, the PMT reserves the right to adjust any Phase II score following any oral presentation/interview, and before proceeding on to Phase III.

The time allotments and the format shall be the same for all oral presentations/interviews. The PMT will give the Bidder at least three (3) business days' prior notice regarding the date of an oral presentation. The PMT may require the Bidders assign key personnel to conduct the oral presentation/interview.

A Bidder is limited to the presentation of material contained in its proposal, with the limited exception that a Bidder may address specific questions posed by the PMT or provide clarification of information contained in its proposal. A Bidder's failure to agree to an oral presentation/interview may result in disqualification from further consideration.

### c. RECOMMENDATION FOR AWARD

After the PMT completes its evaluation, comparison and ranking of all proposals, and, if applicable, interview(s) and BAFO, the PMT may recommend to Commission a bidder or bidders with which to enter into contract negotiations. The decision shall be based on the PMT's recommendation and on the best interests of the Commonwealth. Commission is under no obligation to award a contract pursuant to this RFR.

## 5. ADDITIONAL TERMS AND CONDITIONS

### a. ISSUING OFFICE

Massachusetts Cannabis Control Commission  
101 Federal Street, 13<sup>th</sup> Floor  
Boston, MA 02110

### b. COMMBUYS

CommBUYS is the official system of record for all procurement information which is publicly accessible at no charge at [www.commbuys.com](http://www.commbuys.com). Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via CommBUYS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support bidder submission of written questions associated with a Solicitation and publication of official answers. All records on CommBUYS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each bidder's responsibility to check CommBUYS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab; and
- Any Bidders' Forum records related to this Solicitation (see Locating an Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to bidders who submit a response based on an out-of-date Solicitation or on information received from a source other than CommBUYS.

Every public purchasing entity within the borders of Massachusetts may post records on CommBUYS at no charge. CommBUYS has the potential to become the sole site for all public entities in Massachusetts.

#### c. BIDDER COMMUNICATIONS

Bidders are prohibited from communicating directly with any employee of Commission regarding this RFR, except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through CommBUYS.

#### d. REASONABLE ACCOMMODATION

Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. Commission reserves the right to reject unreasonable requests.

#### e. RFR COPIES

*Bidders may request a copy of the RFR, or any of its components, by going to [www.commbuys.com](http://www.commbuys.com) and searching for the solicitation number as noted on the front page of this document.*

#### f. RFR INQUIRIES

Bidders may make written inquiries concerning this RFR until no later than the date and time specified in **Section 1.F** of this RFR. Written inquiries must be sent to by e-mail to [CannabisCommission@mass.gov](mailto:CannabisCommission@mass.gov) and state in the subject line "Bidder Inquiry". Commission will review inquiries received before the deadline and at its discretion prepare written responses to questions which Commission determines to be of general interest and that help to clarify the RFR. Any written response will be posted on CommBUYS. Only written responses will be binding on Commission.

#### g. AMENDMENT OR WITHDRAWAL OF RFR

If Commission decides to amend or clarify any part of this RFR, any written amendment will be posted on CommBUYS. Bidders are cautioned to check this site regularly, as this will be the sole method used for notification of changes. Commission reserves the right to amend the RFR at any time prior to the deadline for submission of responses and to terminate this procurement in whole or in part at any time before or after submission of responses.

#### h. COSTS

Costs which are not specifically identified in the bidder's response, and accepted by Commission as part of a contract, will not be compensated under any contract awarded

pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders in responding to this RFR.

**i. CLOSING DATE**

Responses received after the response due date and time specified in **Section 1.4.2** of this RFR will be rejected. Due to statutorily imposed timelines, requests for extensions of time for submitting responses cannot be granted. All responses become the property of the Commonwealth of Massachusetts.

**j. ACCEPTANCE OF RESPONSE CONTENT**

The entire contents of the bidder's response shall be binding on the bidder. The specifications and contents of a successful bidder's response may be incorporated into the contract.

**k. PUBLIC RECORDS LAW AND OPEN MEETING LAW**

Upon conclusion of this process, all responses and related documents submitted in response to this RFR may be considered public records and as such be subject to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

The Commission is subject to the Open Meeting Law, GL. c. 30A, §§18-25. Accordingly, the RFR process and responses received as the result of this RFR may be discussed during public meetings. The Commission will make reasonable efforts to protect confidential or proprietary information. To that end, the Commission encourages bidders to identify what it considers to be confidential or proprietary information.

**l. RESPONSE DURATION**

The bidder's response shall remain in effect until any contract with the bidder is executed or the bidder withdraws its proposal.

**m. CONFIDENTIALITY**

Bidders shall demonstrate that they can comply with all state and federal laws and regulations relating to confidentiality and privacy, and security of personal information, including but not limited to G.L. c. 93H, G.L. c. 66A, and associated regulations.

**n. INCORPORATION OF RFR**

This RFR and the selected bidder's response may be incorporated into any contract awarded as a result of this RFR to that bidder.



**o. OPTION TO MODIFY SCOPE OF WORK**

Commission reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to modify, increase, reduce or terminate any requirements under the contract, whenever Commission deems necessary or reasonable to reflect any change in policy or program goals. Commission additionally reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to amend the contract to implement state or federal statutory or regulatory requirements, judicial orders, settlement agreements, or any state or federal initiatives or changes affecting Commission. In the event of a change in the scope of work for any contract tasks or portions thereof, Commission will provide written notice to the contractor and will initiate negotiations with the contractor. Commission reserves the right to amend the contract accordingly, including payments under, or maximum obligation of the contract.

**p. AUTHORIZATIONS AND APPROPRIATIONS**

Any contract awarded under this RFR is subject to all necessary federal and state approvals, as applicable, including the Office of the Comptroller, and is subject to appropriation of sufficient funding, as determined by Commission.

**q. ELECTRONIC FUNDS TRANSFER (EFT)**

All bidders must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments. A link to the EFT application can be found on the OSD Forms page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the Comptroller’s Vendor Web site located at:

<https://massfinance.state.ma.us/VendorWeb/vendor.asp>.

Upon notification of award, contractors are required to enroll in EFT by completing and submitting the “Authorization for Electronic Funds Payment Form” to the SSST for review, approval and forwarding to the Office of the Comptroller, unless already enrolled in EFT. A link to the EFT application can be found on the Comptroller’s Vendor Web site (see above link). This form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

**r. PROMPT PAYMENT DISCOUNTS (PPD)**

All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays.

The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

s. **ELECTRONIC COMMUNICATION/UPDATE OF BIDDER'S/CONTRACTOR'S CONTACT INFORMATION**

It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including e-mail or spam filtering.

t. **RESTRICTION ON THE USE OF THE COMMISSION'S LOGO OR THE COMMONWEALTH SEAL**

Bidders and contractors are not allowed to display the logo or seal in their bid package or subsequent marketing materials if they are awarded a contract. Use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

u. **SUBCONTRACTING POLICIES**

Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

## ATTACHMENT A: FORMAT FOR STATEMENT OF BIDDER QUALIFICATIONS

Provide a statement for each item confirming your qualifications in this area or how your firm would address a lack of qualifications in each area: Please provide this form along with your response submission.

Familiarity with:

1. The applicable laws pertaining to adult-use marijuana in the Commonwealth, including M.G.L. c. 94G and 935 CMR 500.000 (regulations), which implements St. 2016, c. 334, The Regulation and Taxation of Marijuana Act, as amended by St. 2017, c. 55, An Act to Ensure Safe Access to Marijuana.
2. The body of Commission regulations (935 CMR 500.000), and their application to and integration with other Massachusetts laws and ethical requirements.
3. Particular licensing and registration issues in the context of adult-use marijuana.
4. The emerging adult-use marijuana industry, and particular issues that are attendant to the industry, including legal and policy considerations.
5. The administrative and adjudicatory procedures of the Commission, in particular, how it impacts investigative, enforcement, and disciplinary processes.
6. Massachusetts government entities and their various roles and responsibilities, including requirements under the open meeting and public record laws.
7. The methods of data research and the relative value and shortcomings of available sources, systems and techniques. This includes any Massachusetts specific issues.
8. The complexities of the scope of licensing for each applicant, the degree of investigative penetration needed to properly evaluate suitability and business integrity and the identification of control and interest factors needed to properly assess an applicant's qualifications.

Ability to:

1. Assist in the development of a thorough and efficient Commission database for operational and investigations use and tracking.
2. Contemporaneously provide intense orientation and training to Commission staff, or other investigative service contractors, necessary to fulfill and report on the legal requirements of a full suitability investigation
3. Immediately conduct and coordinate thorough and efficient licensing and registration background investigations with a minimum of initial orientation.
4. Analyze and understand the various business structures and management systems, including but not limited to applicants, controlling persons and all participating entities from both a financial and management standpoint.
5. Identify areas and/or subject matters for inquiry through the suitability analysis for licensure, including both financial and non-financial investigations of individuals and entities.

The firm possesses:

1. Experience in the adult-use marijuana industry.

2. Existing resources and contacts in other marijuana industry jurisdictions to facilitate future exchanges of information needed to satisfy statutory and regulatory duties and responsibilities.
3. The professional experience to supervise and review its investigative work product for legal and compliance sufficiency in order to ensure that administrative actions are supportable from an evidentiary standpoint throughout the administrative process, **including the administrative hearing process**